

CHARITON COURIER

Volume XLVI

KEYTESVILLE, MISSOURI, FRIDAY, DEC. 3, 1915

Number 44

STERNER VS. SMITH

**Brief Statement Facts Disclosed.
Jurymen Differed Widely.
Another Trial.**

At the last term of the circuit court held in this city, the case around which the most interest centered was the action for damages growing out of an injury to Mrs. Laura B. Sterner caused by her horse becoming frightened at Smiths automobile last April and overturning the buggy in which Mrs. Sterner was riding near her home near Mike. Mrs. Sterner's leg was broken as a result of the accident, near the ankle joint, and the physicians who testified at the trial told the jury that she would probably be lame the remainder of her life.

The question for the jury to decide from the evidence was whether or not Mr. Smith had been negligent in handling his car on the occasion referred to. Mrs. Sterner testified that when she first saw the machine it was two hundred and fifty feet away, going over the top of the hill which she was ascending. She said that she waved her hand to warn the driver of the car to stop the machine in order to prevent frightening the horse, and according to her version, the machine failed to stop and the horse, after proceeding about 50 feet, became terrified and whirled across the road, upsetting the buggy. Her daughter, Miss Bessie Sterner, who was in the buggy and her nephew, Charlie Sterner who was also in the buggy and driving the horse, testified to about the same state of facts, the only difference being in some of the minor details. Mrs. Sterner also said that the horse showed signs of fright from the time the car came in sight and until the buggy was overturned.

Mr. J. H. Smith, who lives south of Mike and is the defendant in the case, testified that he was driving his car south at the time of the accident at a rate of speed not exceeding twelve miles an hour, and that when he reached the top of the hill referred to by Mrs. Sterner, he saw the horse coming toward him but was giving no evidence of fright until he suddenly whirled in the road; that before the horse displayed any signs of nervousness, Miss Bessie Sterner jumped from the buggy and went to the horses head, and at the moment Miss Bessie began to alight from the buggy, he stopped the car and 'killed' the engine. Mr. Smith was very positive in his statement that no signal was given by any occupant of the buggy from the time the vehicle first came into his sight. Mr. Smith's statement was verified by four occupants of the car, Will Smith, Chas. Ashley, Henry Cowser and Mrs. Jas. Robertson, and at the time of the unfortunate episode, two little girls about thirteen years old, Misses Lentz and Minick, were going in the same direction and about 300 feet behind the buggy in which Mrs. Sterner was riding. Both testified for the defendant and told the jury that they saw no signal from Mrs. Sterner and saw no signs of fright on the part of the horse until at the moment he turned across the road, that Mr. Smith had stopped his car immediately the horse showed signs of fright.

There was some dispute as to the distance between the car and horse at the time the car was stopped, witnesses for Mrs. Sterner fixing the distance as about 30 feet while the witnesses for Mr. Smith testified to 75 to 90 feet.

The jury received their in-

structions Thursday night and deliberated until Friday afternoon without reaching a verdict. It was only after assurance by the foreman of the jury that there was no possible hope for a verdict that Judge Lamb consented to discharge the jury. We understand that the jury stood 8 to 4 for the plaintiff but that there was considerable difference of opinion among the eight who voted to allow the plaintiff damages as to the amount of damages Mrs. Sterner should receive, from \$1.00 to \$5000.00 being the wide range of opinion. The case will be for trial again at the May term of court at Keytesville, and no doubt but that both sides will profit by the disclosures at the first trial and make the second contest more interesting than the first. The amount asked by Mrs. Sterner was \$10,000.

Good-Bye Smoker.

A number of the warm friends of Judge W. W. Rucker at Salisbury held a smoker at the court room there Wednesday evening in his honor and about a hundred gathered to entertain him until the arrival of his train on which he departed for Washington.

Judge Rucker did not reach home until late in the afternoon and motored to Salisbury at 6:30 to be on hand. He talked to his hosts for a short time and they were delighted with all he said.

At a late hour they bid their distinguished guest farewell and assured him his every interest in that locality would be cared for during his absence.

Birthday Party

In honor of Lucile Carr's thirteenth birthday, she entertained at her home twenty-two young folks, which were—Ada and Amy Chrisman, Verdie, Guy, and Romie Shively, Louella and Floyd Gordon, Myrtle Freeze, Elizabeth Moore, Otto and Edna Housewirth, Fred and Christine Arensmeier, Elmer and Owen Shoemaker, Buster Witt, Ire Stender, Verner Hurt, Harry Carr, Ethel and Robert Tilden.

Ice cream and cake was served, games were played and a good time had by all.

M. E. Church

Rev. Meyers has been delivering an interesting series of sermons on the Lords Prayer. The text for Sunday will be "Thy Kingdom Come".

Christian Church

Services at the Christian church will be held on the first and fourth Sundays of December instead of first and third.

Lady Hudnall, one of the prettiest girls in the state, came from Cody, Neb. last week and is visiting her grandparents, Mr. and Mrs. H. C. Hudnall and other relatives.

Ed. Kuhler and his niece, Miss Myrtle Kuhler left this week for a trip thru the west expecting to be absent for a month or more.

Billy Gardner of Salisbury had a jolly time among his young and old friends here the latter part of last week.

James Hudnall and family have returned from Cody, Nebraska and are living in Brunswick.

Aunt Jane Perkinson died in Kansas and her remains reached here for interment Thursday.

Mrs. H. C. Hudnall is suffering considerably with rheumatism.

RETURNED WEALTHY

**John Roberts Appeared Saturday Looking up Family.
Talks Prosperous.**

John Roberts who left his family for their good about 12 years ago, went west and according to his declarations to old acquaintances immediately on his arrival, amassed a fortune of three hundred thousand dollars, landed here the latter part of last week looking better than when he left and full of enthusiasm western brand.

He claims to own several thousand acres of land out west and said his wheat crop this year was 54000 bushels.

John felt impelled, since he had prospered, to return and give each of his boys \$5000, and if she would accept it, the woman he abandoned who secured a divorce and re-married.

There are four boys, all sprightly and employed, who will be delighted to accept their fathers belated care to the extent of several thousand each and bless him for seeking the land where evidently money grows on trees, tho departing without a sad farewell.

Dr. Cleveland folded his tent, packed it on a gas cayuse and lit out for the village northwest of Marceline Wednesday morning. Two number one popular dentists in a city of less than 5000 like Keytesville, is one too many, and Alphonso and Gaston deferred to each other until Gaston won out. Dr. Cleveland amalgamated with the community from day of his arrival. He fitted out a splendid modern dental parlor, was patronized liberally and his business increased with his reputation as a finished dental surgeon. In business and social circles he was popular and progressive, and our community deeply regrets his departure. Brookfield has gained a valuable young citizen and professional man.

There has never been such an epidemic of gripe as has existed here for two or three weeks. Not a house in town but what has been or has now one or more afflicted. Some cases of pneumonia have resulted from it and many are now confined to their beds. The Courier Editor has been laid out with the villainous, abominable, cussed disease for a week.

Thanksgiving dinner at the home of Mr. and Mrs. J. S. Strong of near Mike was enjoyed by nineteen of their friends among whom were Mr. and Mrs. Leo Allen of Buckner, Mo. and Earl Strong, of Pittsburgh Kas. Mrs. Allen is a sister of Mrs. Strong.

Edgar Evans, and wife of Newton Kansas daughter of Mr. and Mrs. Wm. Veal, ate Thanksgiving supper at the Veal home. There were about 8 in the party in autos from Newton and the rain forced their return by train.

N. D. Robertson charged with fraud in connection with land deals, was bound over to Feby. term circuit court at Salisbury at his preliminary trial in Salisbury Tuesday. He gave bond \$1000.

Col. Wm. Cousins went to Mercer Co. the latter part of last week to visit his mother-in-law and to Iowa to visit two brothers. He should have returned Monday, but didn't.

County Clerk White and Asst. Casr. Applegate were in Kansas City for a day or two last week.

Liquors Then And Now

One of the leading papers issued in Missouri solely devoted to the prohibition fad has for its name "The Golden Rule Advocate" and has as little right to it, viewed in the light of its editorials, as any sinner would have to write saint before his name. Here is an extract:

Until 1852, pure liquors were sold by the grocer, the tavern keeper and the general merchant for 25 cents a gallon. That was the price my grandfather paid for pure whiskey which he used in the harvest field and in the home. The deacons, the elder, the steward, bought and sold and used rum. The church layman in those days thought it necessary and proper to keep a supply of pure rum on the side-board to satisfy the appetite of the dominie who enjoyed his hospitality.

In those days the saloon—the modern saloon—with its evil associations, gambling, white-slavery and white-slaves, did not exist. There were some evils then, but they can hardly be compared to the present conditions which are fostered by many of the saloons of the cities today."

Granted that every innovation has made matters relating to adulteration of liquors worse, that attempted restrictions have extended illicit transactions and that from the time President Washington saw to the collection of a fee for the privilege of distilling to the present when morals are to be the result of legislation, righteous keepers of their sinful brothers have multiplied in proportion to the money in the prohibition political purse and just as damaging impurities have gotten into whiskey, wine and beer. The cause of temperance has no greater enemy than the uncompromising prohibitionist and the influence of the church is lessened every time a ranting hireling is permitted to use the pulpit for political purposes. Christianity, not coercion should be the slogan, and only conscientious ministers of the Gospel heard from the pulpit.

A suffragist from Mendon spoke at the Baptist church Tuesday night. There was a very small audience, very few men. One of the women auditors opposed to suffrage misunderstood a remark by the speaker and interrupted. A miniature riot was averted. Explanations and apology followed. Churches will suffer so long as they are permitted to be used for political purposes.

Miss Ardenia Chapman, of Keytesville and Miss Sarah Quisenberry, of Memphis, Tenn., who have been the guests of Mrs. Will Fleming, will return to their home today. These young ladies have many friends in Moberly, all of whom were glad to see them once more. — Moberly Monitor Nov. 28.

Mr. and Mrs. Jno. Wrenn of north of town entertained a few friends at their home Saturday evening of last week. Among the guests were Frank McDonald of Prairie Hill, Otto and Edna Hauswirth south of town and Warren Elliott of Glasgow. Refreshments were served at a late hour.

What would appear to be the largest home deal ever made for automobiles was made the other day by the Chalmers Automobile Co. Six hundred dealers contracted for twenty-two million dollars worth of Chalmers cars in forty minutes.

Fritz Rick went to St. Louis Monday for a visit.

MIXED THANKSGIVING

Turkey, Goose, Dry, Wet. Pro-vender and Providence Vary Thanks Gastronomic.

Nearly everything suspended for the observance of the presidential proclamation except preparation for something before us for which to be thankful.

Turkeys were nix so goose was substituted in 90 per cent of the dinners in towns outside of Keytesville and even cock-a-doodle-dos with lost reputations were stuffed for the occasion.

The morning started fine, grew cloudy and by noon a rain which continued for the remainder of the day and night and made it real convenient to remain indoors.

Thanksgiving services were held at the Methodist church. Special music was had by members of the different churches. Rev. A. F. Haynes delivered a very interesting sermon. A prayer was offered by Rev. Simmonson of the Presbyterian church and a special offering for charity was taken.

Circuit Court

An adjourned term of circuit court was held at Salisbury Monday and Tuesday, at which the coal case from Ray county was settled by the receivership being made permanent. Rev. E. J. Hall was paroled to Robt. Mossberger.

The case of Cox against Geo. Pollard and two sons of near Mendon growing out of an assault on Cox and for which the Pollards were arrested Saturday was settled and dismissed, Pollards to pay costs.

There will be a day of court here Saturday to dispose of some motions, and Monday Judge N. M. Shelton will hear the cases against the several ex-county officials from whom the state auditor claims there are balances due to the county.

Seriously Injured

Mrs. Rebecca Wicks Hall fell at her home in Oklahoma and broke her hip bone. She is reported in a serious condition. She was standing on a step but a few inches high, and being lame, she lost her balance and fell with sufficient force to break a bone as stated.

Her sister Mrs. Willie Sullivan went to her Wednesday.

EUROPEAN WAR

Servia taken and Balkan war about ended.

No appreciable change in either Russia or France. Allies concentrating in Balkans to make last effort to prevent Austro-Germans reaching Constantinople. England has commandeered all wheat in Canada. France has ordered enlistment of all young men 18 years' old.

MEXICO

Villa forces scattered. Old gorilla style will be the war method for a while.

Road District Law Upheld

The State Supreme Court decided that all funds collected by 25 cent levy for special road districts must be turned over to such districts the County courts having no control over such funds.

Billy Rucker, son of Mr. and Mrs. R. W. Rucker fell Thursday morning and suffered a deep wound about 2 inches long on his forehead. The gash sewed up, Billy was ready for another fall.

Salisbury Scribblings

W. D. Keynon has rented the Polson ranch of 240 acres 6 miles north of town for next year.

Mrs. Nettie Connor leaves this week for Plainview, Texas as attendant for Mrs. David Tudor who is an invalid and who with her husband is returning home after an extended visit here. We wish them a safe and pleasant trip.

J. P. Grimes of Moberly and who will spend the winter in California dropped in to see us one day last week.

There was preaching at Shannondale Sunday and an effort will be made to employ a preacher for part of his time.

S. M. Ehrhardt has sold off his personal property and will move to Okla. We wish him success in his new home.

The William Jewell Glee Club put on a show here Friday night that gave good satisfaction to the large crowd present.

Miss Cassie Carlstead and Mrs. A. D. Vandeventer have sold their College Place residence property to Mrs. Alice Allin of St. Louis.

J. C. Halliburton, having sold out here moved his family to St. Louis this week where they will make their future home. They are nice people and we hated to see them go.

Salisbury is realizing more than ever the need of a sewerage system and that water works are not worth much without it.

Mrs. Mary Prescott continues very low with no hope of recovery.

Salisburians who motored to Columbia last week to attend the foot ball game, "stabled their steeds" and came home on the train, all on account of the down pour of rain that spoiled the temper of attendants.

A Salisbury man excuses his "breaks" on account of his birthday, April 1st. Wise man.

Claude Duff of Kirksville spent the Thanksgiving holiday with his parents. We are proud of Claud as a Salisbury product.

We regret to learn of the critical illness of John Schnetzler 6 miles north of town.

Phil Elmore and Mart Nagel have returned from an extended trip to the west and south.

Geo. Bozarth and wife of Brookfield visited friends here this week.

A septic tank will be put in at the Dickson hotel buildings in order to take care of sewage.

J. E. Stocker and family have moved to Calif., to make their future home.

A new girl at the home of Ed Widner is the latest arrival on the census list.

Mrs. Mary Wood left for her home in New Mexico, Thursday.

F. R. Cowles went to Iowa the latter part of last week on a visit.

Mrs. Myrtle Ford Hawkins left the first of the week for Arcadia, Fla.

Misses Mary Jane and Ruth Gilbert went to Warrensburg to spend the holidays.

There is considerable corn moving here now and it is good. Price 60 to 70 cents.

Mrs. Jennie Binford returned from Kansas City Tuesday. She reports her son Nat very much improved in health.

Joseph Wyatt and wife of Belleville, Ill., are guests at the home of Mr. and Mrs. Adam Friesz west of town.